HOUSE BILL 23-1147

A BILL FOR AN ACT

CONCERNING PROVISIONS RELATING TO THE ADEQUATE TRAINING OF MOTOR VEHICLE DRIVERS, AND, IN CONNECTION THEREWITH, CREATING AN ENTERPRISE TO EDUCATE POTENTIAL DRIVERS AND REIMBURSE THIRD-PARTY PROVIDERS AND COUNTIES FOR A PORTION OF THE COSTS OF ADMINISTERING DRIVING EXAMINATIONS, SETTING LIMITS ON THE FEES THIRD-PARTY PROVIDERS MAY CHARGE, PROVIDING TRANSLATION SERVICES FOR DRIVING EXAMINATIONS, AND IMPOSING A FEE ON INSTRUCTION PERMITS AND DRIVER'S LICENSES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment. Capital letters or bold & italic numbers indicate new material to be added to existing law. Dashes through the words or numbers indicate deletions from existing law.)
The bill prohibits the department of revenue (department) from collecting a fee when an individual retakes a driving examination when the department does not administer the driving examination.

The bill creates the affordable driver education program testing enterprise (ADEPT enterprise) for the purpose of:

- Increasing access to driver training and driving examination in underserved areas;
- Deploying a free online driver training program in English and Spanish; and
- Reimbursing private driving schools for conducting driving examinations required by state law.

The governing board of the ADEPT enterprise consists of the following members:

- One member who represents the executive director (executive director) of the department and who is the chair of the governing board;
- One member who has experience providing translation services or administering programs that assist individuals for whom English is not their native language;
- One member who has experience working with youth;
- One member who represents rural areas that are underserved by private driving examination providers; and
- One member who represents private driving examination providers.

The governing board may advise the department about rules and may issue bonds with the approval of the executive director. The governing board is directed to:

- Oversee the implementation of the bill;
- Annually report to the executive director and coordinate with the department;
- Establish policies; and
- Hire employees and obtain necessary office space, equipment, and services.

The bill requires the ADEPT enterprise to:

- Make reasonable efforts to increase access to driver training and driving examinations in areas that are underserved by third-party driving examination providers;
- Make available to the public, at no cost, an online driver training program that qualifies the student to be issued an instruction permit and that is offered in English and Spanish;
- Create a system that allows a third-party provider to
electronically request and receive information contained in
the motorist insurance identification database to verify
whether an individual seeking a driving examination has
proof of financial responsibility; and

• Reimburse a third-party provider so that the cost to an
individual taking an examination is $25 for each initial
driving examination and $50 for a reexamination taken
after a failed examination.

The bill directs the department to promulgate rules establishing
procedures for the ADEPT enterprise to reimburse third-party providers
and authorizes the department to limit the amount a third-party provider
may charge for a driving examination.

Upon request and when reasonably possible, the department is
required to provide translation services for driving examinations.

To implement the bill, a fee is established on applications for or
issuance of an instruction permit or a driver's license.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 42-2-104, amend
(4)(a); repeal (5); and add (5.5) as follows:

42-2-104. Licenses issued - denied. (4)(a) The department shall
not issue a driver's license, including a temporary driver's license under
section 42-2-106 (2), 42-2-106 (5), to a person under eighteen years of age
unless the person has:

(I) Applied for, been issued, and possessed an appropriate
instruction permit for at least twelve months; and

(II) Submitted a log or other written evidence on a standardized
form approved by the department certifying that the person has completed
not less than fifty hours of actual driving experience WITH A DRIVING
SUPERVISOR LISTED IN SECTION 42-2-106 (2)(b), (2)(c), OR (2)(e), of
which not less than ten hours must have been completed while driving at
night, which THE form is MUST BE signed by:

(A) The person's parent or guardian or by a ANOTHER responsible
adult;

(B) The instructor of a driver's education course approved by the department; or

(C) Any individual who is twenty-one years of age or older, who holds a valid driver's license, and who instructed the applicant if the applicant is a foster child.

(III) Successfully completed a thirty-hour driver education course, which may be completed online, that is approved by the department; and

(IV) Received a minimum of:

(A) Six hours of behind-the-wheel driving training with a driving instructor employed by or associated with a driver education course that is approved by the department; or

(B) Twelve hours of behind-the-wheel driving training directed by a parent, a legal guardian, or an alternate permit supervisor appointed in accordance with Section 42-2-106 (2)(e)(I) if no entity offers approved driving training at least twenty hours a week from a permanent location with an address that is within thirty miles of the permit holder's residence.

(5) The department shall not issue a driver's license to a person under sixteen years and six months of age unless the person has either:

(a) Received a minimum of twelve hours of driving behind-the-wheel training directed by a parent, a legal guardian, or an alternate permit supervisor, which training shall be in addition to the driving experience required by subsection (4) of this section, if no entity offers approved behind-the-wheel driver training at least twenty hours a week from a permanent location with an address that is within thirty miles of the permit holder's residence.
of the permit holder's residence; or

(b) Received a minimum of six hours of driving-behind-the-wheel
training with a driving instructor employed or associated with an
approved driver education course.

(5.5) The department shall not issue a driver's license,
including a temporary driver's license under section 42-2-106 (5),
to a person who is eighteen years of age or older and under
twenty-one years of age unless the person:

(a) Has been issued a driver's license from another
jurisdiction; or

(b) Has successfully completed a four-hour
prequalification driver awareness program that is approved by
the department or a thirty-hour driver education course that
is approved by the department.

SECTION 2. In Colorado Revised Statutes, repeal and reenact,
with amendments, 42-2-106 as follows:

42-2-106. Instruction permits and temporary licenses -
penalty. (1) (a) The department shall issue an instruction permit
to a minor who is fifteen years of age or older and under
twenty-one years of age and who:

(I) Has successfully completed, within the previous six
months, a thirty-hour driver education course that is approved
by the department; and

(II) Meets the requirements to be issued an instruction
permit in accordance with sections 42-2-107 and 42-2-108.

(b) The department shall issue an instruction permit to a
minor who is eighteen years of age or older and who:
HAS SUCCESSFULLY COMPLETED A THIRTY-HOUR DRIVER EDUCATION COURSE THAT IS APPROVED BY THE DEPARTMENT OR A FOUR-HOUR PREQUALIFICATION DRIVER AWARENESS PROGRAM THAT IS APPROVED BY THE DEPARTMENT; AND

QUALIFIES FOR AN INSTRUCTION PERMIT IN ACCORDANCE WITH SECTIONS 42-2-107 AND 42-2-108.

THE DEPARTMENT SHALL ISSUE AN INSTRUCTION PERMIT TO A MINOR WHO IS QUALIFIED UNDER SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION AND WHO HAS A DISABILITY THAT REQUIRES THE PERSON TO USE A SPECIAL VEHICLE OR THAT QUALIFIES THE MINOR FOR PARKING PRIVILEGES UNDER SECTION 42-3-204, BUT THE DEPARTMENT MAY SET ADDITIONAL REASONABLE REQUIREMENTS ON THE USE OF THE INSTRUCTION PERMIT.

AN INSTRUCTION PERMIT ENTITLES THE HOLDER TO DRIVE A MOTOR VEHICLE ON A ROADWAY IF THE MINOR COMPLIES WITH SUBSECTION (2)(b) OF THIS SECTION.

EXCEPT AS PROVIDED IN SUBSECTION (2)(c), (2)(d), OR (2)(e) OF THIS SECTION, AN INSTRUCTION PERMIT HOLDER SHALL NOT DRIVE A MOTOR VEHICLE ON A ROADWAY UNLESS:

THE PERMIT IS IN THE HOLDER'S IMMEDIATE POSSESSION; AND

ONE OF THE FOLLOWING PERSONS WHO HOLDS A VALID DRIVER'S LICENSE IS SUPERVISING THE PERMIT HOLDER FROM THE FRONT PASSENGER SEAT OR, IF THE MOTOR VEHICLE IS A MOTORCYCLE, IN CLOSE PROXIMITY TO WHERE THE PERMIT HOLDER IS DRIVING:

THE MINOR'S PARENT OR STEPPARENT;

THE MINOR'S GRANDPARENT WITH POWER OF ATTORNEY;

THE GUARDIAN WHO SIGNED THE AFFIDAVIT OF LIABILITY;
(D) The foster parent who signed the affidavit of liability;

(E) An approved driver education instructor if the motor vehicle complies with section 42-2-602;

(F) A person authorized to supervise a foster child in subsection (2)(c) of this section;

(G) An alternate permit supervisor appointed in accordance with subsection (2)(e)(I) of this section; or

(H) The person who signed the affidavit of liability.

(c) Notwithstanding subsection (2)(d) of this section, a foster child may drive with and fulfill the fifty-hour driving requirement established in section 42-2-104 (4)(a)(II) with any person who:

(I) Holds a valid driver's license;

(II) Is twenty-one years of age or older; and

(III) Occupies the front passenger seat, in close proximity to the foster child, for the purposes of instruction.

(d) The parent, stepparent, grandparent with power of attorney, guardian who signed the affidavit of liability, or foster parent who signed the affidavit of liability may allow the minor to drive with an individual who holds a valid driver's license and is twenty-one years of age or older for additional driving experience, but the additional driving experience does not count toward the fifty-hour driving requirement established in section 42-2-104 (4)(a)(II).

(e) (I) If the parent, stepparent, grandparent with power of attorney, guardian who cosigned the application for the
MINOR'S INSTRUCTION PERMIT, OR FOSTER PARENT WHO COSIGNED THE
APPLICATION FOR THE MINOR'S INSTRUCTION PERMIT DOES NOT HAVE A
COLORADO DRIVER'S LICENSE, THE PERSON MAY APPOINT AN ALTERNATE
PERMIT SUPERVISOR WHO HOLDS A COLORADO DRIVER'S LICENSE.

(II) IF THE PARENT, STEPPARENT, GRANDPARENT WITH POWER OF
ATTORNEY, GUARDIAN WHO COSIGNED THE APPLICATION FOR THE MINOR'S
INSTRUCTION PERMIT, OR FOSTER PARENT WHO COSIGNED THE
APPLICATION FOR THE MINOR'S INSTRUCTION PERMIT IS IN THE UNITED
STATES MILITARY AND DOES NOT HAVE A COLORADO DRIVER'S LICENSE,
THE PERSON MAY SUPERVISE THE INSTRUCTION PERMIT HOLDER IF THE
PERSON HOLDS A VALID DRIVER'S LICENSE FROM ANOTHER STATE, IS
AUTHORIZED TO DRIVE A MOTOR VEHICLE OR MOTORCYCLE, AND HAS
PROPER MILITARY IDENTIFICATION.

(3) TO BE AN APPROVED DRIVING INSTRUCTOR, THE INSTRUCTOR
MUST HAVE A VALID DRIVER'S LICENSE. TO BE AN APPROVED DRIVING
INSTRUCTOR WHO GIVES INSTRUCTION IN MOTORCYCLES, THE INSTRUCTOR
MUST HAVE A VALID MOTORCYCLE DRIVER'S LICENSE OR ENDORSEMENT
AND HAVE SUCCESSFULLY COMPLETED AN INSTRUCTION PROGRAM IN
MOTORCYCLE SAFETY THAT IS APPROVED BY THE COLORADO STATE
PATROL.

(4) AN INSTRUCTION PERMIT EXPIRES THREE YEARS AFTER THE
DATE OF ISSUANCE; EXCEPT THAT A TEMPORARY INSTRUCTION PERMIT TO
DRIVE A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN SECTION 42-2-402
(4), EXPIRES ONE YEAR AFTER THE DATE OF ISSUANCE.

(5) (a) THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A
TEMPORARY MINOR DRIVER'S LICENSE OR TEMPORARY DRIVER'S LICENSE
TO AN APPLICANT WHO IS NOT A FIRST-TIME APPLICANT IN COLORADO OR
WHO IS UNDER EIGHTEEN YEARS OF AGE AND IS ACCOMPANIED BY A
PERSON WHO SIGNS AN AFFIDAVIT OF LIABILITY IN ACCORDANCE WITH
SECTION 42-2-108 (1) THAT WILL PERMIT THE APPLICANT TO OPERATE A
MOTOR VEHICLE WHILE THE DEPARTMENT COMPLETES ITS VERIFICATION
OF ALL FACTS RELATIVE TO THE APPLICANT'S RIGHT TO RECEIVE A MINOR
DRIVER'S LICENSE OR DRIVER'S LICENSE.

(b) THE DEPARTMENT SHALL ISSUE A TEMPORARY MINOR DRIVER'S
LICENSE OR TEMPORARY DRIVER'S LICENSE TO A FIRST-TIME APPLICANT IN
COLORADO FOR A MINOR DRIVER'S LICENSE OR DRIVER'S LICENSE THAT
WILL PERMIT THE APPLICANT TO OPERATE A MOTOR VEHICLE WHILE THE
DEPARTMENT COMPLETES ITS VERIFICATION OF ALL FACTS RELATIVE TO
THE APPLICANT'S RIGHT TO RECEIVE A MINOR DRIVER'S LICENSE OR
DRIVER'S LICENSE, INCLUDING THE AGE, IDENTITY, AND RESIDENCY OF THE
APPLICANT, UNLESS THE APPLICANT IS UNDER EIGHTEEN YEARS OF AGE
AND IS ACCOMPANIED BY A PERSON WHO SIGNS AN AFFIDAVIT OF LIABILITY
IN ACCORDANCE WITH SECTION 42-2-108 (1). THE VERIFICATION MUST
INCLUDE A COMPARISON OF EXISTING DRIVER'S LICENSE AND
IDENTIFICATION CARD IMAGES IN DEPARTMENT FILES WITH THE
APPLICANT'S IMAGES TO ENSURE THE APPLICANT HAS ONLY ONE IDENTITY.

(c) A TEMPORARY DRIVER'S LICENSE OR TEMPORARY MINOR
DRIVER'S LICENSE IS VALID FOR UP TO ONE YEAR AS DETERMINED BY THE
DEPARTMENT, UNLESS EXTENDED BY THE DEPARTMENT, AND MUST BE IN
THE APPLICANT'S IMMEDIATE POSSESSION WHILE OPERATING A MOTOR
VEHICLE. A TEMPORARY DRIVER'S LICENSE OR TEMPORARY MINOR
DRIVER'S LICENSE IMMEDIATELY BECOMES INVALID WHEN THE PERMANENT
DRIVER'S LICENSE HAS BEEN ISSUED OR HAS BEEN REFUSED FOR GOOD
CAUSE.
A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS A TRAFFIC INFRACTION.

SECTION 3. In Colorado Revised Statutes, 42-2-107, amend (1)(a)(II) as follows:

42-2-107. Application for license or instruction permit - anatomical gifts - donations to Emily Keyes - John W. Buckner organ and tissue donation awareness fund - legislative declaration - rules - annual report - repeal. (1) (a) (II) If an applicant is applying for an instruction permit, or driver's LICENSE, or minor driver's license for the first time in Colorado and the applicant otherwise meets the requirements for such license or permit, the applicant shall receive a temporary license, TEMPORARY MINOR DRIVER'S LICENSE, or instruction permit pursuant to section 42-2-106 (2) 42-2-106 (5) until the department verifies all facts relative to such the applicant's right to receive an instruction permit, or minor driver's LICENSE, or driver's license, including the age, identity, and residency of the applicant.

SECTION 4. In Colorado Revised Statutes, 42-2-114.5, amend (2) introductory portion; and add (8) as follows:

42-2-114.5. Fees for driver's licenses, identification cards, and related services - crediting to DRIVES account - fee-setting procedures - rules - repeal. (2) Except as provided in subsection (3) SUBSECTIONS (3) AND (8) of this section, the following fees must be paid for the following functions:

(8) ON AND AFTER JULY 1, 2025, THE DEPARTMENT SHALL NOT COLLECT THE EXAMINATION FEE IMPOSED IN SUBSECTION (2)(e) OF THIS SECTION UNLESS THE DEPARTMENT ADMINISTERS THE DRIVING EXAMINATION THAT IS BEING RETAKEN.
SECTION 5. In Colorado Revised Statutes, add 42-2-605 as follows:

42-2-605. Criminal history of commercial driving instructors - rules - definition. (1) A COMMERCIAL DRIVING INSTRUCTOR SHALL NOT PROVIDE, AND A COMMERCIAL DRIVING SCHOOL SHALL NOT EMPLOY A COMMERCIAL DRIVING INSTRUCTOR TO PROVIDE, DRIVING INSTRUCTION TO A MINOR OR AT-RISK ADULT IF THE COMMERCIAL DRIVING INSTRUCTOR HAS BEEN, WITHIN THE LAST TWENTY YEARS, CONVICTED OF OR PLEAD GUILTY OR NOLO CONTENDEREE TO:

(a) A CRIMINAL VIOLATION OF ARTICLE 3; PART 4 OR 8 OF ARTICLE 6; ARTICLE 6.5; OR PART 4, 5, OR 8 OF ARTICLE 7 OF TITLE 18;

(b) ANY OTHER CRIME THAT THE DEPARTMENT DETERMINES, BY RULE, PLACES A MINOR OR AT-RISK ADULT AT RISK OF SEXUAL MISCONDUCT OR VIOLENCE WHEN WITH THE COMMERCIAL DRIVING INSTRUCTOR; OR

(c) A CRIMINAL VIOLATION OF ARTICLE 2 OF TITLE 18, THE BASIS OF WHICH IS AN OFFENSE LISTED IN SUBSECTION (1)(a) OR (1)(b) OF THIS SECTION.

(2) (a) A COMMERCIAL DRIVING SCHOOL SHALL NOT EMPLOY OR AUTHORIZE A COMMERCIAL DRIVING INSTRUCTOR TO PROVIDE DRIVING INSTRUCTION TO A MINOR OR AT-RISK ADULT UNLESS THE COMMERCIAL DRIVING INSTRUCTOR HAS OBTAINED A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK IN ACCORDANCE WITH SUBSECTION (2)(b) OF THIS SECTION; EXCEPT THAT A COMMERCIAL DRIVING INSTRUCTOR MAY PROVIDE DRIVING INSTRUCTION ON A PROBATIONARY BASIS WHILE THE RESULTS OF THE RECORD CHECK ARE PENDING. THE COMMERCIAL DRIVING SCHOOL SHALL SUBMIT TO THE DEPARTMENT THE NAME OF EACH
COMMERCIAL DRIVING INSTRUCTOR THAT IT INTENDS TO EMPLOY OR TO
AUTHORIZE TO PROVIDE DRIVING INSTRUCTION TO MINORS OR AT-RISK
ADULTS.

(b) A COMMERCIAL DRIVING SCHOOL SHALL REQUIRE EACH
COMMERCIAL DRIVING INSTRUCTOR WHO PROVIDES DRIVING INSTRUCTION
TO MINORS OR AT-RISK ADULTS TO SUBMIT A COMPLETE SET OF
FINGERPRINTS TO A LOCAL LAW ENFORCEMENT AGENCY. THE LAW
ENFORCEMENT AGENCY SHALL SUBMIT THE FINGERPRINTS TO THE
COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF CONDUCTING
A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE
COLORADO BUREAU OF INVESTIGATION SHALL FORWARD THE
FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR THE
PURPOSE OF CONDUCTING A FINGERPRINT-BASED CRIMINAL HISTORY
RECORD CHECK. THE COLORADO BUREAU OF INVESTIGATION SHALL
FORWARD THE RESULTS TO THE COMMERCIAL DRIVING SCHOOL. THE
COMMERCIAL DRIVING SCHOOL MAY ACQUIRE A NAME-BASED JUDICIAL
RECORD CHECK FOR A COMMERCIAL DRIVING INSTRUCTOR WHO HAS TWICE
SUBMITTED TO A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
AND WHOSE FINGERPRINTS ARE UNCLASSIFIABLE. THE COMMERCIAL
DRIVING SCHOOL SHALL NOTIFY THE DEPARTMENT OF ANY CRIMINAL
CONVICTION OR PLEA OF GUILTY OR NOLO CONTENDERE THAT
DISQUALIFIES THE COMMERCIAL DRIVING INSTRUCTOR FROM PROVIDING
INSTRUCTION IN ACCORDANCE WITH SUBSECTION (1) OF THIS SECTION. THE
COMMERCIAL DRIVING INSTRUCTOR SHALL PAY THE COSTS ASSOCIATED
WITH THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO THE
COLORADO BUREAU OF INVESTIGATION.

(3) As used in this section, "at-risk adult" has the meaning
SET FORTH IN SECTION 18-6.5-102 (2).

(4) (a)  THIS SECTION TAKES EFFECT JULY 1, 2025.

(b)  THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2026.

SECTION 6. In Colorado Revised Statutes, add part 7 to article 2 of title 42 as follows:

PART 7

AFFORDABLE DRIVER EDUCATION

PROGRAM TESTING

42-2-701. Short title. The short title of this part 7 is the "DRIVER EDUCATION VOUCHER PROGRAM ACT".

42-2-702. Legislative declaration. (1) The general assembly declares that:

(a) The state has an interest in:

(I) Ensuring drivers are appropriately trained to ensure they are able to safely operate motor vehicles on state roadways, and requiring all individuals under twenty-one years of age to complete a driver education course or driver awareness program before obtaining a driver's license to protect all drivers on the state roadways; and

(II) Reducing financial barriers that affect the ability of some applicants to obtain driver's licenses;

(b) In areas of the state that do not have public transportation, barriers to obtaining a driver's license can increase the number of unlicensed drivers on the roads, making Colorado's roads less safe for everyone, and can increase the number of uninsured drivers on the roads;

(c) The driver education voucher program enterprise is
ESTABLISHED AS A STATE-OWNED, DRIVING DRIVER EDUCATION VOUCHER
PROGRAM TO REDUCE THE COST BARRIERS TO OBTAINING DRIVER'S LICENSES, AND THIS VOUCHER PROGRAM IS ANALOGOUS TO AN INSURANCE PROGRAM BECAUSE THE FEES ESTABLISHED UNDER SECTION 42-2-707 ENSURE THAT THE COST OF A DRIVER EDUCATION COURSE WILL NOT BE A BARRIER FOR A LICENSE APPLICANT TO OBTAIN A DRIVER’S LICENSE:

(d) The driver education voucher program enterprise constitutes an enterprise for purposes of section 20 of article X of the Colorado constitution, as long as the driver education voucher program enterprise retains authority to issue revenue bonds and receives less than ten percent of its total annual revenues in grants, as defined in section 24-77-102 (7), from all Colorado state and local governments combined;

(e) For as long as it constitutes an enterprise under this section, the driver education voucher program enterprise is not subject to section 20 of article X of the Colorado constitution; and

(f) The fee imposed in section 42-2-707 is not a tax but is instead a fee imposed:

(I) To defray the cost of participating in and completing a driver education course, which is a specific service to each individual seeking a driver's license upon whom the fee is imposed; and

(II) At rates reasonably calculated based on the overall cost of the services provided by the driver education voucher program enterprise.
42-2-703. Definitions. As used in this Part 7, unless the context otherwise requires:

(1) "DEPARTMENT" means the Department of Revenue.

(2) "DRIVER EDUCATION COURSE" means a driver education course or prequalification driver awareness program that meets the requirements set forth in Section 42-2-104 (4)(a)(III) or (5.5) or 42-2-106 (1)(a)(I) or (1)(b)(I), as applicable, and that is approved by the Department.

(3) "DRIVER EDUCATION VOUCHER PROGRAM ENTERPRISE" or "ENTERPRISE" means the enterprise created in Section 43-2-704 (1).

(4) "ELIGIBLE INDIVIDUAL" means an individual who:

(a) is required, pursuant to Section 42-2-104 (4)(a)(III) or (5.5) or 42-2-106 (1)(a)(I) or (1)(b)(I), as applicable, to complete a driver education course or prequalification driver awareness program as a prerequisite to obtaining a driver's license; and

(b) has a household income of less than or equal to two hundred percent of the federal poverty guideline.

(5) "EXECUTIVE DIRECTOR" means the executive director of the Department.

(6) "FEE" means the enterprise fee established in Section 42-2-707.

(7) "FUND" means the driver education voucher program enterprise fund created in Section 42-2-706.

(8) "GOVERNING BOARD" means the governing board of the enterprise described in Section 42-2-704 (2).
(9) "Inflation or deflation" means the annual percentage change in the United States Department of Labor Bureau of Labor Statistics Consumer Price Index for Denver-Aurora-Lakewood for all items and all urban consumers, or its successor index.

(10) "Voucher program" means the driver education voucher program established in Section 42-2-705.

42-2-704. Enterprise - creation - governing board - powers and duties - issuance of bonds. (1) The driver education voucher program enterprise is created as a government-owned business within the department.

(2) (a) The governing board of the enterprise consists of five members appointed as follows:

(I) The executive director shall appoint one member who represents the executive director and who is the chair of the governing board;

(II) The speaker of the house of representatives shall appoint;

(A) one member who has experience providing translation services or administering programs that assist individuals for whom English is not their native language; and

(B) one member who represents a provider of a driver education course approved by the department;

(III) The president of the senate shall appoint one member who has experience working with youth; and

(IV) The governor shall appoint one member who represents rural areas.
(b) The Executive Director, the Governor, the Speaker of the House of Representatives, and the President of the Senate shall make the initial appointments to the Governing Board no later than January 1, 2025.

(c) The term of office of members of the Governing Board is four years; except that:

(I) Each member of the Governing Board serves at the pleasure of the official who appointed the member; and

(II) (A) In order to ensure staggered terms of office, for each member initially appointed in accordance with subsection (2)(a)(II) of this section, the initial term of office is two years.

(B) This subsection (2)(c)(II) is repealed, effective July 1, 2028.

(3) Each member of the Governing Board other than a state employee serves without compensation but is entitled to receive reimbursement from money in the fund for actual and necessary expenses the member incurs in the performance of the member's duties for the Governing Board.

(4) (a) The Executive Director shall organize the Governing Board and call the first meeting of the Governing Board to occur by March 1, 2025.

(b) The Governing Board shall meet at least annually. The Chair may call additional meetings as necessary for the Governing Board to complete its duties.

(5) The Governing Board may:

(a) Take actions necessary to implement and administer this Part 7;
(b) Issue bonds in accordance with subsection (8) of this section; and

c) Annually determine the amount of the voucher available in a state fiscal year under the voucher program.

(6) The governing board shall:

(a) Oversee the implementation and administration of this part 7;

(b) Annually report to the executive director, by a date determined by the executive director, concerning the implementation and administration of this part 7;

(c) Establish policies to implement and administer this part 7;

(d) Hire any necessary employees, who may also be employees of the department, to implement and administer this part 7;

(e) Obtain the necessary office space, equipment, and services necessary to implement and administer this part 7; and

(f) Coordinate with the department to implement and administer this part 7.

(7) The enterprise shall reimburse, at fair market value, the department for any employee time, office space, or goods or services provided by the department.

(8) The enterprise may issue bonds. The bonds must be:

(a) Issued by a resolution of the governing board; and

(b) Secured by and payable solely out of the money in the fund.
42-2-705. Driver education voucher program - governing board policies - annual determination of voucher amount. (1) (a) The driver education voucher program is created to provide vouchers to eligible individuals, starting July 1, 2025, to help defray the costs of participating in and completing a driver education course as required by section 42-2-104 (4)(a)(III) or (5.5) or 42-2-106 (1)(a)(I) or (1)(b)(I), as applicable. An eligible individual may use a voucher granted pursuant to this section to defray the costs of driver training, including classroom or online training and behind-the-wheel training, and a driving examination education.

(b) The enterprise shall administer the voucher program pursuant to policies developed by the governing board pursuant to section 42-2-704 (6)(c), including policies regarding:

(I) The form and manner for individuals to apply for a voucher;

(II) The method by which an applicant demonstrates eligibility for a voucher;

(III) The determination of the voucher amount available each state fiscal year;

(IV) The mechanism for transferring the voucher, on behalf of an eligible individual, to the provider of a driver education course in which the eligible individual enrolls and for the driver education course provider to redeem the voucher through the enterprise;

(V) The mechanism for verifying the appropriate use of a
VOUCHER ISSUED BY THE ENTERPRISE AND FOR ENSURING THE ELIGIBLE
INDIVIDUAL SUCCESSFULLY COMPLETES A DRIVER EDUCATION COURSE FOR
WHICH A VOUCHER IS OBTAINED; AND

(VI) ANY OTHER MATTERS NECESSARY TO ADMINISTER THE
VOUCHER PROGRAM.

(2) BY MAY 1, 2025, AND BY EACH MAY 1 THEREAFTER, THE
GOVERNING BOARD SHALL DETERMINE, PURSUANT TO ITS POLICIES AND
BASED ON PROJECTIONS OF ANTICIPATED REVENUES IN THE FUND AND
EXPECTED NUMBER OF APPLICANTS TO THE VOUCHER PROGRAM, THE
AMOUNT OF THE VOUCHER AVAILABLE IN THE NEXT STATE FISCAL YEAR.
The department shall post the voucher amount for a given
fiscal year on its public-facing website.

(3) AN ELIGIBLE INDIVIDUAL THAT RECEIVES A VOUCHER SHALL
USE THE VOUCHER TO PAY THE COST TO ENROLL IN A DRIVER EDUCATION
COURSE THAT IS APPROVED BY THE DEPARTMENT FOR PURPOSES OF
COMPLYING WITH THE REQUIREMENTS OF SECTION 42-2-104 (4)(a)(III) OR
(5.5) OR 42-2-106 (1)(a)(I) OR (1)(b)(I), AS APPLICABLE.

42-2-706. Driver education voucher program enterprise fund.

(1) The driver education voucher program enterprise fund is
created in the state treasury. The fund consists of money
credited to the fund under section 42-2-707, revenue collected
from any revenue bonds issued pursuant to section 42-2-704 (8),
and any other money that the general assembly may appropriate
or transfer to the fund.

(2) The state treasurer shall credit all interest and
income derived from the deposit and investment of money in the
fund to the fund.
(3) Money in the fund is continuously appropriated to the enterprise to implement and administer this part 7.

42-2-707. Enterprise fee - rules. (1) In addition to any other fee for the issuance of or renewal of a driver's license, minor driver's license, or instruction permit, on and after January 1, 2025, the department shall collect an enterprise fee of fifty cents for each issuance of or renewal of a driver's license, minor driver's license, or instruction permit. The department shall transmit the fee to the state treasurer, who shall credit the fee to the fund.

(2) The department may promulgate rules adjusting the amount of the fee specified in subsection (1) of this section to account for inflation or deflation.

SECTION 7. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to applications for driver's licenses, instruction permits, and vouchers submitted on or after July 1, 2025.